UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,289	10/16/2000	Lawrence McAllister	10407/459	2190

30076 7590 12/10/2002

BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP
SUITE 711
1880 CENTURY PARK EAST
LOS ANGELES, CA 90067

EXAMINER
ENATSKY, AARON L

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/690,289	Applicant(s) MCALLISTER ET AL.	
	Examiner Aaron L Enatsky	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges receipt of amendment and drawings on 10/15/02.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5, 13-20, 22-23, 26, 34-44, 47, 55-62, 64-65, 68, and 76-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al '884 (Hereafter, Hed) in view of Mikan '946. Hed teaches a gaming machine that includes a touch-screen device for controlling, in conjunction with a computer, a game including a slot machine game (8:38-67). Further, Hed teaches mechanical and video slot games are analogous in that they are interchangeable (5:41-55), mechanical reels are constantly retrofitted to apply upgrades (2:40-45), an interface may include a touch-screen (8:48-61), and also teaches of a network system that provides for a multitude of touch sensor assemblies (8:13-37). Hed however does not expressly disclose using a kit to retrofit existing game machines with touch-screen displays, only that gaming machines are constantly upgraded. Mikan teaches of touch-screen kit for retrofitting a previously non-touch display using an existing serial port of a computer (Abstract). One would be motivated to upgrade the gaming machine taught by Hed to include a touch screen kit taught by Mikan, as retrofitting an existing game machine provides fresh appeal and maintains or increases a player's game interest (Hed 2:40-45). Furthermore, the computer used by Hed already has in input port

for properly communicating with the touch screen kit (8:48-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the game machine taught by Hed to include the touch screen kit taught by Mikan by connecting through an existing serial communications port to provide a fresh game appeal to players and modernize an existing game machine.

Claims 3, 45, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hed in view of Mikan and further in view of Nolte et al. '070 (Hereafter, Nol). Hed in view of Mikan teaches the above-discussed limitations, but does not teach of a user selectively stopping the spinning reels. Nol teaches a video slot game machine having a user ability to selectively stop individual slot reels (2:33-37). Nol also teaches that video slot games are known to ordinary skill in the art (1:11-13) and Hed in view of Mikan teaches that user controls are interchangeable between buttons and touch-screen controls. As both Hed in view of Mikan and Nol both teach games dealing with slot machines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hed in view of Mikan to include the user selectable stopping of the reels by Nol, to add a sense of operator skill (Nol 1:29-31) to the chance element nature of the slot game.

Claims 4, 46, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hed in view of Mikan and further in view of Pepper, Jr. '552 (Hereafter Pep). Hed in view of Mikan teaches the above-discussed limitations, but does not teach of a pressure sensitive user interface, only a touch sensitive user interface. Pep teaches a pressure sensitive surface mounted on a screen or other interface devices (Fig. 12 and 13). Pep also teaches that movement in different direction and variable pressure will be translated into various game features in a gaming machine

(10:1-22). One would be motivated to combine Hed in view of Mikan and Pep as both teach of similar user interface mechanism for interfacing with a game program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hed in view of Mikan to include the pressure sensitive touch-screen display to add the ability for increased, flexible user control options.

Claims 6-12, 27-33, 48-54, and 69-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hed in view of Mikan and further in view of Bertram et al. (Hereafter, Bert). Hed in view of Mikan teaches the claimed limitations as discussed above, but does not specifically disclose the composition of the touch-screen employed in the gaming machine. Bert teaches of a touch screen to reduce noise and cost (Abstract), applied in a variety of environments including a gaming on a slot machine (2:10-14). Bert also teaches that the touch-screen uses a composite material such as glass in a CRT (2:1-5), a metallic material (4:1-9), a polymeric material (3:2-6), and a plurality of transducers (4:1-9 and 4:57-64). One would be motivated to combine both Hed in view of Mikan and Bert as they both teach a touch-screen device used in a gaming machine dealing with a slot machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hed in view of Mikan, which does not specify a type of touch-screen, to include the touch-screen specifications by Bert to reduce ambient noise and cost. Additionally, as Hed in view of Mikan does not disclose a specific touch-screen, it is further old and well known in the art that various touch-screen devices can be employed interchangeably, therefore merely a design choice as to what touch-screen to employ.

In re claims 12, 54, and 75, Hed in view of Mikan in view of Bert (Hereafter, HB) teaches the claimed limitations as discussed above, but does not specifically teach the use of a bezel to protect the transducers. However, HB does teach that the electrodes/transducers are located substantially near the exterior edge of a screen, and it is well known that screen have bezels protecting the outer edge of a screen, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the electrodes/transducers by providing covering with the bezel, leaving exposed only necessary components to distinguish a user's touch.

Claims 21, 63, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hed in view of Mikan and further in view of Wiltshire et al. '602 (Hereafter, Wilt). Hed in view of Mikan teaches the claimed limitations as discussed above, but does not teach of using a plurality of touch panel terminals. Wilt teaches using multiple gaming terminals in a network environment (Fig. 1D) that can play reel type games (Fig. 5A) utilizing touch-screen using inputs and can interchangeably use a mechanical reel system or combine with an electronic reel system (4:4-29). As Hed in view of Mikan and Wilt deal with mechanical and video slot machines using touch-screen controls, one would be motivated to combine Hed in view of Mikan with Wilt. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hed in view of Mikan with a networked multitude of touch-screen games to increase game availability and help reduce total system cost (Wilt, Abstract).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hed in view of Mikan in view of Beet and further in view of Nol. Hed in view of Mikan in view of Beet (Hereafter HMB) teach the above claimed limitations but do not teach of a user selectively

stopping the spinning reels. Nol teaches a video slot game machine having a user ability to selectively stop individual slot reels (2:33-37). Nol also teaches that video slot games are known to ordinary skill in the art (1:11-13) and HMB teaches that user controls are interchangeable between buttons and touch-screen controls. As both HMB and Nol both teach games dealing with slot machines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HMB to include the user selectable stopping of the reels by Nol, to add a sense of operator skill (Nol 1:29-31) to the chance element nature of the slot game.

Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over HMB in view of Pepper, Jr. '552 (Hereafter Pep). HMB teaches the above-discussed limitations, but do not teach of a pressure sensitive user interface, only a touch sensitive user interface. Pep teaches a pressure sensitive surface mounted on a screen or other interface devices (Fig. 12 and 13). Pep also teaches that movement in different direction and variable pressure will be translated into various game features in a gaming machine (10:1-22). One would be motivated to combine HMB and Pep as both teach of similar user interface mechanism for interfacing with a game program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HMB to include the pressure sensitive touch-screen display to add the ability for increased, flexible user control options.

Claims 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over HMB in view of Bertram et al. (Hereafter, Bert). HMB teaches the claimed limitations as discussed above, but do not specifically disclose the composition of the touch-screen employed in the gaming machine. Bert teaches of a touch screen to reduce noise and cost (Abstract), applied in a variety of environments including a gaming on a slot machine (2:10-14). Bert also teaches that

the touch-screen uses a composite material such as glass in a CRT (2:1-5), a metallic material (4:1-9), a polymeric material (3:2-6), and a plurality of transducers (4:1-9 and 4:57-64). One would be motivated to combine both HMB and Bert as they both teach a touch-screen device used in a gaming machine dealing with a slot machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HMB, which does not specify a type of touch-screen, to include the touch-screen specifications by Bert to reduce ambient noise and cost. Additionally, as HMB does not disclose a specific touch-screen, it is further old and well known in the art that various touch-screen devices can be employed interchangeably, therefore merely a design choice as to what touch-screen to employ.

In re claims 12, 54, and 75, HMB in view of Bert teaches the claimed limitations as discussed above, but does not specifically teach the use of a bezel to protect the transducers. However, HMB in view of Bert do teach that the electrodes/transducers are located substantially near the exterior edge of a screen, and it is well known that screen have bezels protecting the outer edge of a screen, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the electrodes/transducers by providing covering with the bezel, leaving exposed only necessary components to distinguish a user's touch.

Response to Arguments

3. Applicant's arguments with respect to claims 1-84 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiberio '535, discloses that mechanical slot machines and video slot machines are equivalent, thus interchangeable. Further, Tiberio discloses that since the 1970's manufactures of slot machines have been controlling mechanical and video slot machines with computers.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

ALE

December 3, 2002

JESSICA HARRISON
PRIMARY EXAMINER